

Sixth Appellate District

San Jose, California

MONDAY, JULY 14, 2003

H023620 JINKERSON v. AUTODISC, INC., et al.

By the Court*:

Appellants' petition for rehearing is denied.

Filed: July 14, 2003

*Before Bamattre-Manoukian, Acting P.J., Wunderlich, J. and Mihara, J.

H024701 PEOPLE v. GRINBERG

By the Court*:

Appellant's petition for rehearing is denied.

Filed: July 14, 2003

*Before Rushing, P.J., Premo, J. and Elia, J.

H024547 PEREZ v. PEREZ

Having concluded that the damages are duplicative, we shall strike the damages on the breach of contract cause of action (\$17,000 plus \$12,750 interest). The judgment is modified to reduce the amount of damages awarded to Jesus to \$103,397.60 plus simple interest at the rate of 10 percent from August 29, 1994, in the amount of \$77,547.75. As so modified, the judgment is affirmed. Each party shall bear his or her own costs on appeal. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed July 14, 2003

H025169 PEOPLE v. LEAUSA

The judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Rushing, P.J., Premo, J.)

Filed July 14, 2003

H024981 PEOPLE v. JERID M.

The judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed July 14, 2003

H025332 PEOPLE v. GARCIA

The judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Rushing, P.J., Premo, J.)

Filed July 14, 2003

Sixth Appellate District

San Jose, California

MONDAY, JULY 14, 2003 (continued)

H025236 PEOPLE v. WANG

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed July 14, 2003

TUESDAY, JULY 15, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Elia, Acting P.J.; Wunderlich, J.; Mihara, J.; and W. Magsaysay, Deputy Clerk.

H023788 PEOPLE v. CORTEZ

Cause called and argued by Tara Maria Mulay appearing for Appellant and by Lisa H. Ashley-Ott, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024406 PEOPLE v. SUWINSKY

Cause called and argued by Robert E. Carey, Jr., appearing for Appellant and by Dorian Jung, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025188 IN RE ALEJANDRO J., A MINOR

Cause called and argued by Francia M. Welker appearing for Appellant, by Joanne Hue, Deputy County Counsel, appearing for Respondent Santa Clara County Department of Family and Children's Services, and by Robert J. Masterson, Deputy District Attorney, appearing for Respondent minor. Cause ordered submitted.

H024786 COMERICA BANK v. TAPSON

Cause called with Arman Javid appearing for Appellant and by Breck E. Milde appearing for Respondent. Per counsel, parties have arrived at a settlement in this case and they have a signed settlement agreement. Appeal is ordered dismissed with prejudice.

Sixth Appellate District

San Jose, California

TUESDAY, JULY 15, 2003 (continued)

H024530 SHEN, et al. v. WONG, et al.

Cause called and argued by James K. Roberts appearing for Appellants and by Mark G. Bonino appearing for Respondents. Cause ordered submitted.

H024269 GARNIER, et al. v. BAY NETWORKS, INC.; SKLAR, et al.

Cause called and argued by Mark C. Molumphy appearing for Appellants and by Meredith N. Landy appearing for Respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

H025093 IN RE DAVID T.; DFCS v. ALREDO A.

The order dismissing dependency and terminating appellants' de facto parent status is affirmed. (not published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed July 15, 2003

H023422 MARRIAGE OF FRONTIERO

The judgment is reversed. The matter is remanded for a determination of the value of the community asset as of the time of trial as well as the amounts, if any, of reimbursement for separate property contributions. The parties shall bear their own costs on appeal. (not published)
(Mihara, J.; We concur: Rushing, P.J., Elia, J.)
Filed July 15, 2003

H024766 SHAYESTEH v. SHAYESTEH

By the Court*:

Appellant's petition for rehearing is denied.
Filed: July 15, 2003

*Before Premo, Acting P.J., Bamattre-Manoukian, J. and Wunderlich, J.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.
Present: Rushing, P.J.; Premo, J.; Elia, J.; and R. W. Norvelle, Deputy Clerk.

H024665 JARAMILLO, et al. v. JH MANAGEMENT PARTNERS, INC., et al.

Cause called and argued by Ryan Libke appearing for Appellants and by Barbara May appearing for Respondents. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, July 15, 2003 (continued)

H023393 PEOPLE v. BURNETT

Cause called and argued by Arthur Dudley appearing for Appellant and by David M. Baskin, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024290 LOBAY v. CITY OF PACIFIC GROVE, et al.

Cause called and argued by David M. Fleishman, City Attorney, appearing for Appellant and by Joel Franklin appearing for Respondent. Cause ordered submitted.

H024027 HESKETT, et al. v. HALLINAN

Cause called and argued by Ann C. Petersen appearing for Appellants and by Vincent B. McLorg appearing for Respondent. Cause ordered submitted. Court is adjourned.

WEDNESDAY, JULY 16, 2003

H024975 PEOPLE v. MUNGARAY III

The judgment is affirmed. (not published)
(Elia, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed July 16, 2003

THURSDAY, JULY 17, 2003

H025910 TRACY J. v. SUPERIOR COURT

The petition for extraordinary writ is denied. (not published)
(Wunderlich, J.; We concur: Elia, Acting P.J., Mihara, J.)
Filed July 17, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Wunderlich, J.; and J. Casique, Deputy Clerk.

H024095 PEOPLE v. RODRIGUEZ

Cause called and argued by Eric Liberman appearing for Appellant and by Lissa Balotro, Certified Law Student, and Ryan McCarrol, Deputy Attorney General Supervising, appearing for Respondent. Cause ordered submitted.

Premo, J. leaves the bench and Mihara J. takes the bench.

Sixth Appellate District

San Jose, California

Thursday, July 17, 2003 (continued)

H024740 GIUSTO v. HERNES

Cause called. Respondent Daniel HERNES appeared in Propria Persona. No appearance is made by Appellant. Cause ordered submitted.

Wunderlich, J. leaves the bench and Elia, J. takes the bench.

H023531 PEOPLE v. SANCHEZ

Cause called. No appearance is made on behalf of Appellant. Thomas V. Jamgochian, Certified Law Student, and Ryan B. McCarroll, Deputy Attorney General Supervising, appearing for Respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Elia, J.; Wunderlich, J.; and Jane V. Flor, Deputy Clerk.

H022925 SAROSDY v. COLUMBIA/HCA HEALTHCARE CORP., et al.

Cause called and argued by Robert Herbert Bohn appearing for Appellant and by Neda N. Dal Cielo appearing for Respondents. Cause ordered submitted.

H024960 CRYOLIFE, INC. v. SUPERIOR COURT OF SANTA CRUZ;
MINVIELLE

Cause called and argued by Matthew Ray Rungaitis appearing for Petitioner and by Dana G. Scruggs appearing for Real Party in Interest. Cause ordered submitted. Court is adjourned.

H025141 In re MIA S.; DFCS v. OSSIE S.

The findings and orders of the juvenile court are affirmed.
(not published)

(Elia, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)
Filed July 17, 2003

H025483 PEOPLE v. TORRES

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)
Filed July 17, 2003

Sixth Appellate District

San Jose, California

Thursday, July 17, 2003 (continued)

H023158 CITY OF MARINA, et al. v. BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY

(Filed order modifying opinion.) There is no change in the judgment. Respondent's petition for rehearing is denied. (published)

(Rushing, P.J.; I concur: Mihara, J.; Bamattre-Manoukian, J. would grant rehearing.)

Filed July 17, 2003

H023803 PEOPLE v. THOMAS

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed July 17, 2003

FRIDAY, JULY 18, 2003

H025425 PEOPLE v. MATTHEW S.

The juvenile court's order is reversed, and the matter is remanded for the limited purpose of permitting the juvenile court to exercise its discretion to select between misdemeanor or felony treatment for the offense. If the juvenile court elects to treat the offense as a misdemeanor, it shall recalculate the maximum time of confinement. Otherwise, it shall declare the offense to be a felony and reinstate its original order. (not published)

(Mihara, J.; We concur: Elia, Acting P.J., Wunderlich, J.)

Filed July 18, 2003

H024597 FOX v. GOOD SAMARITAN HOSPITAL

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Elia, J., Mihara, J.)

Filed July 18, 2003

H024064 PEOPLE v. BURGOS

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed July 18, 2003

Sixth Appellate District

San Jose, California

Friday, July 18, 2003 (continued)

H022934 PEOPLE v. GOMEZ

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Wunderlich, J.)
Filed July 18, 2003

H025371 PEOPLE v. COLLINS

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed July 18, 2003

H023883 COURT HOUSE PLAZA COMPANY v. GOODENOUGH, et al.

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed July 18, 2003

H024238 CURTIS v. SANTA CLARA VALLEY MEDICAL CENTER, et al.

The judgment is affirmed. (published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed July 18, 2003

H021287 PEOPLE v. TORREZ

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed July 18, 2003